

WHITEWATER COMMISSION

QUARTERLY MEETING JANUARY 10, 2006

MINUTES

The quarterly meeting of the Whitewater Commission was held on Tuesday, January 10, 2006, in the Division of Natural Resources Conference Room #674, Charleston, West Virginia. The following individuals were in attendance:

WHITEWATER COMMISSION MEMBERS

Frank Jezioro, Director, Division of Natural Resources (Presiding)
Cal Hite, National Park Service
Ray Church, Division of Tourism
Eddie Lilly
Jerry Cook
Matt Knott
Randall Ballard

DIVISION OF NATURAL RESOURCES

Jena Kay Webb, DNR Law Enforcement Section (Recording Secretary)
Lt. Larry Case, DNR Law Enforcement Section
Lt. Col. David E. Murphy, DNR Law Enforcement Section
Bret Preston, DNR Wildlife Section
Hoy Murphy, DNR Public Information Officer
Kelley Goes, Attorney General's Office, DNR Legal Representative

PUBLIC

Chris Dragan, Wildwater Expeditions
Len Hanger, Songer Whitewater
Doug Proctor, Class VI
Kim Coon, Butts Tubes, Inc.
Rick Johnson, Extreme Expeditions
Heather Johnson, Extreme Expeditions
Eric Pories, WVPRO
Richard Cantrell, Cantrell Ultimate Rafting
Adam Cantrell, Cantrell Ultimate Rafting
Richard Smith, New River Scenic
Tom Dragan, New River Jet Boats

CALL TO ORDER

The meeting was called to order by Director Jezioro at approximately 1:05 p.m. All commission members were present at this meeting with the exception of Bill Garten. Commissioner Garten was represented, with a letter of proxy by Eddie Lilly.

APPROVAL OF MINUTES

Commissioner Lilly made a **MOTION** to approve the minutes of the September 21, 2005 meeting as submitted. The motion was seconded by Commissioner Church and was passed.

PUBLIC COMMENT

Richard Smith, New River Scenic, stated that he needed clarification on the regulations concerning renting of boats on the Upper New River for licensed outfitter and guides. Lt. Case stated that he had already told Mr. Smith that to rent boats on rivers that were whitewater study zones you had to have a Commercial Whitewater Rafting License. After a short discussion Director Jezioro told Mr. Smith that the agency would look into this further and if there were any different decisions DNR would let him know.

Eric Pories, WVPRO, stated that he wanted to bring to the Commissions' attention that the trout stocking came up at the monthly WVPRO board meeting and they were in support of a solution that will be discussed later in this meeting.

Richard Cantrell, Cantrell Ultimate Rafting, stated that working with the DNR Law Enforcement staff in the past 30 years had been a good experience and outfitters have always been able to get questions answered and situations resolved in a timely manner. The new administration and Director Jezioro have been given charge of trying to make everybody happy. The monies involved in the industry pay administrative salaries and benefits and the tasks that we are asking them to do puts extra workloads on these people and we are not supplying them with extra money. The industry should consider the per person fifteen cent increase to take care of some of the money. This is important for the people working with us and for us it is something that we should be able and willing to do.

Mr. Cantrell also stated that he had been renting equipment on the New River for approximately 30 years in the Hinton area and has ran rental equipment down to Thurmond. In looking at the total industry there is a dividing point that is very easy to determine where you can stop rentals on the river and that would be above Sandstone Falls where the National Park Service has a take-out. There is not a public take-out above Brooks Falls at this time. There is only a road that goes down 15 feet above the water level with a dirt foot path. Looking at that area and the rental basis on that particular section of the river there is another issue as an outfitter in Summers County that we need to be concerned about, we do not want to limit ourselves to half-day trips. If we only rent to Brooks Falls then what we are doing is saying that you have a three hour product and everything in that area is a three hour product. It would be best for the licensed outfitters in the Summers County area if they were given the ability to take-out above Sandstone Falls. If the outfitters in this area are not given the ability to do this it will have an economical impact on Summers County. Cantrell Ultimate Rafting ran over

600 people on that section of the river in 2005, the highest in the whitewater industry. Consider when you look at the numbers on that section that you extend it down to the National Park Service take-out above Sandstone Falls for licensed outfitters. There should not be a problem with crowding or safety with this change. The industry has set standards for safety and if the water level is over 18 feet you do not run the river.

Director Jezioro stated that the Commission needs to consider Mr. Cantrell's comments and come back to the next meeting with suggestions or written recommendations for discussion.

ON-LINE TRIP LEADER REPORT DEMONSTRATION

Chip Short, presented a demonstration of the new on-line trip leader report database explaining how a company will report daily trips starting in spring. After a discussion Lt. Case stated that each company would be getting a copy of the test database by e-mail and instructions on how to access the site. Each company should access the database and experiment with the report. Any questions, suggestions and/or changes should be directed Lt. Larry Case or Chip Short.

DISCUSSION OF TROUT STOCKING ON THE GAULEY RIVER

Commissioner Lilly stated that he had been asked to make the presentation because he represents the outfitters that have not paid their portion of the trout stocking fees to WVPRO. The outfitters traded some years ago trout stocking on the Upper Gauley River for additional days of water release. The outfitters had 20 days of rafting on the Gauley River at that time regulated by the Corp of Engineers that had been put in legislation as down stream usage for the dam. The outfitters had an opportunity to get an extra 2-day weekend and it seemed like a good idea for both the DNR and the outfitters. DNR provided the helicopter and the outfitters bought the trout and they were stocked in a remote section of the river from the dam down stream to the mouth of the Meadow River. Recently WVPRO has developed problems with helicopter liability as far as the outfitters association. Commissioner Lilly stated that since he was not a member of WVPRO he would be more objective in outlining the position of the industry, WVPRO and of the outfitters and hopefully DNR. The successful operation has lasted several years and then it was realized that on occasion there were years when the end of the year bridge day became legislated as the third Saturday of October. Occasionally the third Saturday comes with an additional Sunday after bridge day. This happens when bridge day does not fall within the realm of the usual six weekends and the outfitters are given an additional day. Not all outfitters wanted to run that late in the season. WVPRO has been put in charge of collecting the money for the trout stocking and not all outfitters are members of WVPRO and there is no penalty for not paying. If the Whitewater Commission does not act on the trout stocking problem there is going to be a lot of other outfitters that are going to decide not to pay their share of the stocking fee also. This is by far the most pressing issue on the whitewater industry as this time and there have been many suggestions on how to remedy this problem. WVPRO voted on a solution to the problem and has made a recommendation. The most popular recommendation from WVPRO was for the Whitewater Commission to buy the trout with a fifteen cent increase, since the user fee is going back down to thirty-five cents July 1, 2006, the commission has the authority with a motion to raise the fee back to fifty cents a head for the outfitters that run the Gauley River only. The outfitters would like to

buy the trout and let DNR stock the river. The liability and cost of the helicopter has made it prohibitive for WVPRO and the trout are a lot more popular if they are stocked within catching distance of the dam than if they are down river.

Director Jezioro stated that the DNR would look into the proposal and get back to the commission at the next meeting.

Commissioner Lilly made the **MOTION** to request the DNR to evaluate if the DNR will accept the proposal of increasing the Gauley River fee by fifteen cents and the money would be spent to pay for stocking of fish on the Gauley River. The DNR would be responsible for purchasing and stocking the fish. The motion was seconded by Randall Ballard and the motion carried.

DISCUSSION OF DRUG TESTING FOR RIVER GUIDES

Commissioner Cook stated that what he is asking for is for the Commission to form a committee to study drug testing for whitewater guides. Possibly take surveys to see what needs to be done, the end result is this needs to not be ignored.

After a short discussion Commissioner Cook made a **MOTION** to for a committee to study drug testing for river guides. There was no second to the motion died.

DISCUSSION OF GUIDE LICENSING FOR RIVER GUIDES

There was a lengthy discussion of ideas pertaining to guide cards for river guides.

DISCUSS CHANGES ON SHENANDOAH RIVER STUDY ZONE BOUNDARIES

Commissioner Knott stated that as discussed during the September 2005 commission meeting the Shenandoah outfitters would like to change the study zone on the Shenandoah River so that outfitters would be able to do tubing and/or other flat water activities in that area from the dam down to before Entrance Rapid the first rapid on the river.

Kelley Goes stated that this rule change would go into a package and would go out for public comment in June, then be submitted in July to the legislature along with any other legislative changes the commission comes up with.

LAC SUBCOMMITTEE REPORT

Commissioner Ballard stated that the LAC Subcommittee had nothing new to report. Andy Whisman referred to the Draft 2003 Annual Report (Attachment A) which was given to committee members. The LAC Subcommittee will meet and discuss the report and come back to the Commission at the March 2006 meeting.

Director Jezioro asked Dr. Whisman for an up-date on 2004 and 2005 data. Dr. Whisman stated that there was a period of time where contracts were not in place. By the June 2006 meeting everything should be brought up to date. The contract has been extended and it expires March 31, 2006 and everything done up to the June meeting will fall under current contract which will include everything up to and including 2004.

Lt. Case asked Dr. Whisman for a clarification on what reports would be ready at the March 2006 meeting and Dr. Whisman stated that the 2004 LAC Annual Report using the trip leader data and the 2004 Injury Report would be submitted to the LAC Subcommittee at this meeting in draft form and would be approved and presented at the June 2006 in final draft form.

Lt. Case stated that whitewater outfitters are going to the on-line trip leader reporting system this season and the 2005 trip leader reports are on paper and the Commission needs to decide what if anything they want to do with this information. There will have to be a contract to process this information. Director Jezioro stated the Commission would have to decided if the 2005 TL information was important enough to process or not and that decision could be made at the next meeting.

BUDGET SUBCOMMITTEE REPORT

Commissioner Knott handed out (Attachment B) which shows monies as of to date as compared to the 2006 budget for the fiscal year. All of the figures should be approximate, this information shows up to date accounting information compared to the budget as a whole. All totals should be about half of the estimated budget. The reason for the difference in the budgeted beginning account balance is mainly because of the \$15,455.00 for the study fees that was budgeted last year and was not used but is now going to be spent this fiscal year. Based on the 2005 summary the numbers are 210,362 where as the revenue is based on the 2004 numbers which were 211,637, there were 1,275 less rivers users in 2005 than in 2004 reported.

Jeff Proctor asked the question what percentage of the budgeted user fees collected from the outfitters goes toward salaries and/or benefits for law enforcement, Jena, and Lt. Case.

Commissioner Knott stated that none of the budget goes for any of Jena's salary or benefits; it goes to Lt. Case's salary and benefits. Based on the estimated revenue of user fees for the 2006 fiscal year the balance in the account will start going down and based on the estimated revenue for this year it will just safely cover Lt. Case's salary. Any additional money spent will decrease the amount of money in the account. All income from the user fees will be spent on salary and benefits for Lt. Case. The Commission originally changed the fee to fifty cents from thirty-five because all budgeted money would be spent yearly and they wanted to have additional money then the Commission decided that they did not want to have additional money in the budget and was when it was changed back to thirty-five cents.

TOURISM SUBCOMMITTEE REPORT

Commissioner Church made reference to handout (Attachment C) Whitewater Rafting Analysis (which was corrected) in which he stated that whitewater numbers were on a five year down trend as everyone is aware of. The rafting numbers dropped from 214,550 in 2004 to 210,362 in 2005. The Gauley River was down 3.5%, the New River was down 1.7%. The Cheat was down 39%, from 5,375 in 2004 to 3,281 in 2005. The whitewater industry got 1.2 million dollars in grants last year and over the past 5 years, over 7 million dollars in grants and with the matching grants that is a total of 14 million that went into advertising of the rafting business and there has been a 5 years

straight decline in numbers and that needs addressed. Tourism Division worked with WVU Extension Agriculture on a survey that went out to 49 states and there was a 14% return and the survey request was for West Virginia travel. The survey shows that part of the package that we offer should include fishing. There are 400 thousand; 2006 Travel guides which are available through Tourism for anyone that would like them.

Jeff Proctor asked Commissioner Church what he meant by his statement pertaining to declining numbers and the fact that they need addressed.

Commissioner Church stated that the legislature is going to be meeting and that they are going to be giving about 12 million dollars into the grants program. The legislature will be looking at the current whitewater figures.

OTHER BUSINESS

Commissioner Hite stated that the general management plan revision for the New River Gorge National River is basically underway and they will be holding a series of public meetings. The first meeting will be in 2 weeks and each time there is a series of public meetings they will be in 3 rotations. A newsletter being mailed out to a massive mailing list, but notification of the meetings will also be published in the local newspapers. There will also be 3 other public meetings between now and July focusing of the rewrite revision of the general management plan for the entire New River Gorge National River. The current plan is approximately 23 years old and it is being revised, the internal draft should be ready by September 2006 and the final plan should be ready by the winter of 2007.

Kelley Goes made a suggestion that if anyone has any proposed changes to the legislative rule that they want the commission to vote on to accept; these need to be implemented by the March meeting because if you wait until June that would be really close to the time for the comment period and there would have to be an emergency meeting to have the commission vote on the proposals.

NEXT MEETING DATE AND PLACE

The next meeting is tentative scheduled for March 15, 2006.

A **MOTION** to adjourn was made by Commissioner Lilly, was seconded by Commissioner Ballard and the meeting was adjourned at approximately 3:30 p.m.